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Online
ISSN 1440-9828



July 2013 No 705

From Adelaide Institute's Archive - some interesting legal cases

Publisher settles sex harassment defamation case

Bellinda Kontominas, September 16, 2009

The publisher of *The Daily Telegraph* has withdrawn its defence in a defamation case brought by a former Commonwealth Bank manager who was accused of sexual harassment by a female employee.

Vivienne Dye's claims that the banker sexually harassed, bullied and alienated her before she lost her job were published in *The Daily Telegraph* and online publications in April last year.

News Ltd and the online arm of its business had been defending the matter on the basis that the accusations were true.

But in a dramatic turn of events, and following four days of vigorous cross-examination of its star witness, Vivienne Dye, the media company today withdrew its defence of truth and settled the case.

Ms Dye, the bank's former public relations manager and analyst, had claimed she was sexually harassed, bullied and alienated by then executive general manager, Michael Blomfield.

She had claimed he tried to kiss her, made sexually suggestive

comments to her, showed her a tattoo in his buttock region and talked about leaving his wife for her.

In a statement, Mr Blomfield said the "false and damaging" claims had taken a toll on him and his family and the past 18 months had been "an unmitigating nightmare".

"*The Daily Telegraph* should never have published these stories and it is extremely regrettable that it has taken so much time and very expensive legal proceedings to correct what was an outrageous attack on me and my reputation," the statement said.

"The past 18 months have been an unmitigated nightmare for me and my family," he wrote, thanking his wife, Denise, who he said "should never have been made to endure" it.

Earlier in court counsel for Nationwide News, Alec Leopold, SC, told the jury of four men and one woman: "The matter is settled. The defendants withdraw the defence of truth."

Justice Ian Harrison thanked the jury and told them that, even though the matter had been settled,

they should not think it a waste of their time.

"What you may have been thinking about everything that took place would have been the subject of considerable discussion and speculation by the parties and their representatives," he said. "Your significant part in these proceedings was maintained throughout and even until now."

Ms Dye did not comment outside court.

She has initiated defamation, sexual harassment and workers' compensation complaints against the Commonwealth Bank.

The terms of the financial settlement have not been disclosed. Nationwide News will pay Mr Blomfield's legal costs.

<http://www.smh.com.au/national/publisher-settles-sex-harassment-defamation-case-20090916fr31.html#ixzz2YFt8Z5e8>

Editor on a G-string: the Penberthy-Dye emails

Margaret Simons | Sep 16, 2009 1:00PM

Trust the boy-o of the industry, [David Penberthy](#), to stop us from getting far too earnest. At a time when most people regard being a newspaper editor as a burden as much as a blessing, the former editor of the *Daily Telegraph* was last year joshing along with a source, receiving "far out" pictures of underwear and kidding along about fur-covered G-strings.

It has all come out, so to speak, in the defamation action by former Commonwealth Bank executive

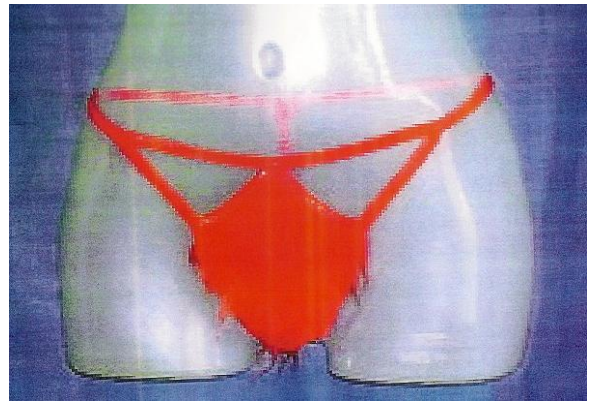
Michael Blomfield against Nationwide News over stories published in the *Daily Telegraph* in April 2008. (UPDATE: now [settled out of court](#))

Penberthy is now the editor of News Limited blog *The Punch*, and is reinventing himself as a columnist-blogger-plain-man's thinker kind of person, but in April 2008, he was editor of the *Tele* when it broke the news that Blomfield was the subject of s-xual harassment allegations by one Vivienne Dye. Blomfield and the

Commonwealth Bank have vigorously denied the allegations, and now the *Tele* is being sued.

Dye is the *Telegraph's* main witness as it seeks to convince the NSW Supreme Court that the s-xual harassment allegations were true, and therefore defensible. Yesterday as part of an [attack on her credit](#), Dye was questioned about an email exchange she had with Penberthy in July 2008 — three months after the initial stories were published.

Dye and Penberthy apparently had what she described as a "perfectly decent and agreeable" lunch together. As well, Dye confided to Penberthy that the bank had claimed she wore a fur highlighted G-string to a Christmas Party. As a joke, she sent him pictures of underwear (see below), to which he responded, "That one on the right looks more like a barrister's wig." And "I think I've been going to the wrong Christmas parties."



And on it goes. Further comment is hardly necessary. Today *Crikey* brings you the Penberthy G-string emails in full. Read and reflect on the role of a modern newspaper editor. Click on the images for larger, more readable files.

From: "Penberthy, David" [REDACTED]
Subject: Re: RE:
Date: 8 July 2008 9:50:44 PM
To: [REDACTED]

I think I've been going to the wrong christmas parties

----- Original Message -----

From: Vivienne Dye [REDACTED]
To: Penberthy, David
Sent: Wed Jul 09 10:08:05 2008
Subject: Re: RE:

hahaha.... perhaps someone saw pussy fur poking out the top???

On Jul 8, 2008, at 5:48 AM, Penberthy, David wrote:

Far out! That one on the right looks more like a barrister's wig.

----- Original Message -----

From: Vivienne Dye [REDACTED]
Sent: Wednesday, 9 July 2008 9:42
To: Penberthy, David
Subject: Re:

Oh you're a sweetie.

This week, CBA has produced a statement claiming that I wore a "fur-highlighted gstring" showing above my jeans to a Christmas party in 2006.

I took it upon myself to research the matter, and came up with the following samples....

Do you think I should order some online and get my barrister to fling them at the judge?????

Judge finds sex claims false and venomous



[Louise Hall](#), Court Reporter, March 17, 2012



Vivienne Dye ... lost her case. Photo: Nicolas Walker

Editor's update: The two men named in this suit, Michael Blomfield and Angus Patterson, were exonerated in this case, with the judge saying allegations against them "were completely fabricated".

A FORMER business analyst who claimed that two senior employees of the Commonwealth Bank sexually harassed her has been described as a fantasist and liar who had a "venomous desire for revenge".

Vivienne Louise Dye sued the bank and its online broking arm, CommSec, for sexual harassment, bullying and discrimination in the Federal Court.

In a scathing judgment yesterday, Justice Robert Buchanan found the two men, Michael Blomfield and Angus Patterson, were "blameless" and the allegations were "completely fabricated" by Ms Dye. In fact, it was Ms Dye who made advances towards Mr Blomfield, hoping for a "close and intimate relationship" with him, Justice Buchanan found.

When Mr Blomfield, then the executive general manager in charge of local business banking, rebuffed her, Ms Dye "turned from seeking his attention to a desire to be revenged on him".

Mr Patterson testified that in 2007, Ms Dye told him she was taking out a sexual harassment case against Mr Blomfield, saying: "I'm going to get that c---, and I'm going to f---ing destroy him and his family."

When Mr Patterson, who was her friend and confidant, declined to assist her against Mr Blomfield, Ms Dye turned on him, claiming Mr Patterson violently sexually assaulted her.

Justice Buchanan said the "sad and distressing saga" had involved 94 days of oral hearings, 600 documentary exhibits and nearly 8000 pages of transcript, and

despite his judgment vindicating the men, the "stain" on their reputation would be impossible to remove.

"The allegations against them were false. They should not have been made. They should not have been pursued," he said.

Both Mr Patterson and Mr Blomfield have since left Commonwealth Bank and Justice Buchanan congratulated the bank for fighting to clear their names, rather than taking the cheaper option to settle the case.

Ms Dye was ordered to pay the bank's legal costs.

<http://www.smh.com.au/nsw/judg efindssexclaimsfalseandvenomous2 01203161vamb.html#ixzz2YFhgqPH k>

<http://www.austlii.edu.au/au/cases/cth/FCA/2012/242.html>



PHOTO BY AAP IMAGE/PAUL MILLER

Vivienne Dye arriving at the NSW Supreme Court, September 8, 2009.

Sex, Lies And Banking

By [Bernard Lagan](#) April 2, 2012

Vivienne Dye's claims that her Sydney bosses sexually harassed her, and then ended her career when she complained, appeared to open a window into the darker world of banking's top levels. Now a judge has found she made it all up. In the end, there are only losers in this case — including the stereotyping of women who are harassed in the office.

In her 94 days in court recounting sexual harassment and charged encounters with her Commonwealth Bank of Australia bosses, Vivienne Dye lost it when asked where, exactly, on Michael Blomfield's backside, was the tattoo he'd flashed in Sydney's banking haunt, Le Chifley bar, while celebrating his promotion.

Struggling to explain how the stubbled, 35-year-old head of the bank's showy CommSec online share broking arm could have dropped his pricey strides in a bar crowded with his colleagues to reveal a buttock tattoo he didn't have, Vivienne Dye, a flaxen-haired marketing specialist in her late 20s, now found herself needing to broaden the territory covered by a backside. Counsel for the Commonwealth Bank, Peter Gray SC asked:

Backside means something else, not being bottom?

Dye: Yes.

Gray: Does it mean side of back?

Dye: Yes.

Gray: It does mean side of back? That answer is just untrue, isn't it, Ms Dye?

Dye: Which one?

Gray: The one that says backside means side of back?

Dye: It can mean side of back, all the way down sort of, I don't know, hip bone. Depending on how much weight a man has, you know, on...

His Honour Judge Robert Buchanan: Where are the buttocks in this scheme or arrangement?

Dye: At the bottom.

His Honour: Are they part of the backside or not in your terminology?

Dye: They could be, but I wasn't referring to the buttocks as in the bottom bottom.

Gray: So bottom is the same as buttocks?

Dye: Well, buttocks is the fleshy bit, isn't it?

Gray: Do you understand the word bottom to mean the same as buttocks?

Dye: I feel I am being harassed about this, your Honour.

"What difference does it make what body part it is?" Dye eventually spluttered. To any unfortunate on the end of a steely cross-examination — especially a young woman taking on the might of Australia's largest bank — her frustration might seem understandable.

What also emerges is a tale of money, lust and revenge inside the gilded upper levels of

corporate banking —and how its insiders navigate the tricky shoals of sexual and power politics.

To Federal Court judge Robert Buchanan, however, the elusive tattoo would make a vast difference to how he viewed Vivienne Dye and the welter of allegations of unwanted sexual overtures she'd leveled at Michael Blomfield and more serious charges of sexual assault against another, younger Commonwealth bank executive, Angus Patterson.

But first, the judge had to be sure that the Commonwealth's executive general manager of local business banking, Blomfield, was not harboring a tattoo on his behind. He directed Blomfield into an adjoining conference room. There, the banker was asked to drop his pants while the judge, the Commonwealth's counsel, Peter Gray SC, and Vivienne Dye's barrister, the former Liberal MP for the Sydney blueblood seat of Wentworth, Peter King, looked on.

Unhappily for Vivienne Dye, Blomfield's tattoo was not on his backside where she said it was. It was on the banker's outer left thigh and resembled, in the judge description: "A melting stopwatch. It has a number of colours on it, including yellow and red ... it has a stopwatch knob on the top."

Although at times entertaining, the hearing's outcome was devastating for Vivienne Dye and her action to sue the Commonwealth Bank for damages in sexual harassment, victimization, defamation and breach of contract.



PHOTO COURTESY OF CATHARINE LUMBY
Catharine Lumby, University of NSW.

"If I play my DVD player too loud and someone steals it, nobody says, 'Well, you were asking for it.'"

– PROFESSOR CATHARINE LUMBY, UNIVERSITY OF NSW

Justice Buchanan massacred her credit when he delivered judgment on March 23. Her false claim that Michael Blomfield had shown her a tattoo on his backside, the judge said, was but one reason why he came to believe Vivienne's Dye's credit so weak that he couldn't believe any of her evidence that was contested — unless verified elsewhere.

It is hard to imagine a judgment more scathing. Justice Buchanan wrote: "Ms Dye's written accounts of matters [have], over the years, been substantially altered, re-ordered, edited, polished, embellished and even substantially changed as though it were a novel."

He rejected outright her assertions that the Commonwealth Bank executives, Michael Blomfield and Angus Patterson, had sexually harassed her and, in Patterson's case, had sexually assaulted her. He found instead Vivienne Dye had once viewed both as mentors and later developed her own reasons, based on falsehood, to accuse them of sexual harassment.

The picture of Vivienne Dye portrayed in the judgment is deeply unflattering; she emerges as a self-interested woman, whose sexual interest was spurned by one of the men she later accused of sexual harassment — Michael Blomfield. She had asked the other bank executive, Angus Patterson, whilst he was at her Observatory Hill apartment, to have anal sex with her. A married man with young children, Patterson had rebuffed her.

What also emerges is a tale of money, lust and revenge inside the gilded upper levels of corporate banking and how its insiders navigate the tricky shoals of sexual and power politics. In the end there are no winners. It has all but destroyed Vivienne Dye and deeply scarred Michael Blomfield and Angus Patterson — both of whom have walked out of the Commonwealth Bank, trailing fallout from the affair. Michael Blomfield has left Australia. Angus Patterson had to deal with the disclosure during the court hearing that he'd had sex with another Commonwealth banker, at her apartment in the same block as Vivienne Dye.

One might also ask if the cause of working women and their defences against sexual harassment and assault in the office have also been a loser in this severe judgment — no matter the merits of Vivienne Dye's case.

"This is the awful thing with sexual assault," says Professor Catharine Lumby, the University of NSW feminist academic who has worked with the National Rugby League on gender issues. "It's the one crime where everyone asks, 'What does the victim want? What is she looking for?' If I play my DVD player too loud and someone steals it, nobody says, 'Well, you were asking for it.' Sexual assault and sexual harassment are two areas where people immediately say, 'Oh, this woman, is she manipulative? What's

going on here?' And unfortunately you hear a lot of women saying this."

Vivienne Dye was to be no exception.

By April 2008 Vivienne Dye had left the Commonwealth Bank. Her job had been declared redundant during a round of heavy spending cuts. Although it was open to her to try and find another job in the bank and she still retained a "meets expectations" rating from its HR department, the bank was far from unhappy to see her go. There's been a litany of difficulties, in the bank's view, ranging from Dye's intemperate emails, work ethic, problems working with others, at times provocative dress and the devastating false allegations of sexual harassment she'd aimed at her bosses — Michael Blomfield and Angus Patterson. At one point — before Vivienne Dye leveled those — Blomfield became concerned that her intemperate communications with her colleagues was beginning to harm his own big plans for his local business banking group. He fired off a one-line email to her superior: 'Get her out.'

Tensions throughout the bank had been elevated by the arrival of the new, hard-charging chief executive officer from New Zealand. Ralph Norris had launched a furious change program and everyone was keen to put the episode behind them and concentrate on Norris's big — and ultimately successful — plan to ramp up the Commonwealth's performance.

On Monday, April 14, 2008 all changed. Vivienne Dye's allegations became public — though it was hardly the "incandescent blaze of salacious publicity" that Justice Buchanan richly narrated in his judgment. The editors of the *Sydney Morning Herald* were so unmoved by their reporter's exclusive that they buried it deep inside the paper in the business section. Their story, which ran alongside a corporate mugshot of Michael Blomfield, said Blomfield had bombarded Dye with sexual invitations and then isolated her when they were rejected. Dye, quoted by the *Herald*, described Michael Blomfield as a rock star at the bank who had, as head of the bank's online broker, CommSec, expanded its operations into margin lending, retail foreign exchange and cash investment products. Dye also offered that he had a reputation in the bank for targeting females and trying to bed them.

Sydney's *Daily Telegraph* was vastly more excited by the story than the *Herald*. Over the next 48 hours they tracked down Vivienne Dye, by then in New York on a break from Australia. After leaving the bank she'd taken a job at Bond University but had resigned two months into her eight-month contract. Alongside a moody shot of Dye sipping coffee in a New York street, the *Telegraph*, using a 180-page document that Dye had prepared for a complaint to the Human Rights and Equal Opportunity Commission, repeated the *Herald's* allegations against Michael Blomfield. The *Telegraph* also introduced Vivienne Dye's far more serious allegations against Angus Patterson — a

younger bank executive who had in the past been one her strongest supporters and closest work friends. Others in the bank believed — and gave evidence — that Vivienne Dye openly flirted with Angus Patterson to the point of making him uncomfortable. She would perch upon his desk and sit very close to him at other times.

The allegations against Angus Patterson must have been devastating for the young banker and father of four. The *Telegraph* report said he had pestered Dye for sex over a three-month period in 2006 and in May of that year had insisted on coming inside her apartment after a dinner. Dye was quoted: "When he entered my apartment he picked me up off the ground and carried me into my bedroom and threw me down on the bed. I was screaming for him to get off me but Angus pinned me down by the wrists. He unbuckled his belt and wriggled out of his pants. My protests began to intensify and I struggled and told him to get out (before he) pulled up his pants and left my house immediately, never again mentioning the incident."



PHOTO BY AAP IMAGE/PAUL MILLER

Former Commonwealth Bank executive, Michael Blomfield, September 8, 2009.

She would later elevate this account, adding Patterson's digital penetration of her.

Less than fortnight later, however, she willingly accompanied Angus Patterson on a pre-planned business trip to Auckland, dined with him and listened to music with him in her hotel room. Only much later did she raise allegations that Patterson also sexually harassed her on the trip.

The reaction inside the bank when Vivienne Dye's claims became public was rapid. Barbara Chapman, the Commonwealth Bank's then head of human resources, emailed the bank's staff, describing the stories in the *Telegraph* and the Fairfax papers as salacious and without any regard for the facts.

Her email continued: "The allegations made by Vivienne Dye against Michael Blomfield and Angus Patterson were taken very seriously when they were (first) raised. A series of in-depth investigations were under-taken and the claims were found to be unsubstantiated."

Chapman ended saying the bank was supporting both men in their considerations of what action they would take against Vivienne Dye. Michael Blomfield took up his employer's offer of help, and *The Sydney Morning Herald* and *The Age*, which also ran the *SMH*'s original story, quickly published apologies.

The Daily Telegraph didn't. Blomfield sued its owners, News Ltd, winning a spectacular victory in the NSW Supreme Court when the defamation case was finally heard in September 2009. Following days of bruising cross-examination of Vivienne Dye, News Ltd abruptly withdrew its defence that the *Telegraph* stories were true and settled out of court with Blomfield for an undisclosed sum. Blomfield said afterwards that the 18 months since the allegations became public were an unmitigated nightmare.

Despite that setback, Vivienne Dye pursued her action against the Commonwealth Bank for damages for the sexual harassment and other grievances she claimed to have suffered while she was employed at the bank from March 2005 to November 2007 — the matters covered in Justice Buchanan's judgment. Within the period of her employment at the bank she was at work for only about two years, having spent seven months on sick leave.

Vivacious and outwardly confident, Vivienne Dye was in her late twenties when she joined the Commonwealth and was also president of the Paddington Young Liberals. In her past she'd worked for the global public relations firm, Burson Marsteller and, later, Vodafone, where there had been serious trouble. On Dye's own account — in an email she wrote — she left Vodafone after being seriously bullied by three other women whom she had been outperforming and out-qualified. She said she was paid a large sum by Vodafone upon her leaving.

Upon joining the bank, Vivienne Dye, initially at least, made a highly favorable impression. She started working in the bank's Premium Business Services division. Her job was to find "pro-active media opportunities" and send them on to the bank's external communications team who dealt with the media. Her immediate boss, Nicola Bradbury — who had employed her — considered her performance over the first two months to be "absolutely outstanding". Soon, however, tensions developed; other members of Dye's marketing team (all were women) believed she was cherry-picking tasks which interested her the most and claiming credit for work done by others. And she trod on the toes of the bank's main media spokesman, Bryan Fitzgerald, by involving herself in organising media briefings.

Blomfield became concerned that her intemperate communications with her colleagues was beginning to harm his own big plans for his local business banking group. He fired off a one-line email to her superior: 'Get her out.'

Nicola Bradbury, who initially put Vivienne Dye's early conflicts down to teething problems in her new job, now began to develop some misgivings; after Bradbury took 10 days' leave, she returned to find Vivienne Dye's unsolicited plans for an office reorganisation on her desk. Everybody's role on the marketing team would change — including some of Nicola Bradbury's tasks, and Vivienne Dye would be promoted to a new level, get a salary rise and become an executive manager. Bradbury rejected it.

Then, when Bradbury promoted another team member, Rebecca Stroud, who'd joined the team later, Vivienne Dye took it badly. Part of Stroud's work was to rectify Dye's mistakes. Dye began watching Stroud and claimed, under cross-examination, that Stroud had taken 70 sick days and half-days in just eight months and that Nicola Bradbury was favouring her rival. Records produced in Court showed Stroud took no sick leave over the period. The spat over Rebecca Stroud's leave days was cited by the Judge as evidence that Dye's frequent claims that she carried other colleagues was untrue.

By January 2006, Nicola Bradbury was sufficiently worried about Dye's performance that she raised with Dye the need to get along with the rest of the team and to take ownership of her work. Dye broke down in tears. The next month, Bradbury sent Dye on a three-day self-improvement course for the bank's junior managers in an effort to help Dye see how others viewed her. A feature of the course was an exercise in which course participants would make their own self-assessment. It would be compared with an assessment made by the worker's colleagues. Vivienne Dye's self-assessment scores showed she had a self-image that tended toward the perfect — a rating unmatched in the assessments of her colleagues. When Nicola Bradbury raised the differences with Dye, she responded that her work colleagues did not understand her well. Bradbury persisted and said Dye might need to change. Dye responded by again breaking down in tears and going home. Bradbury soon after arranged for Dye to begin seeing a bank-employed psychologist.

The next month — March 2006 — Vivienne Dye collapsed at work, hitting her head, causing bleeding. She blamed Nicola Bradbury for causing her to be stressed. The judge found that to be untrue.

About this time the new CEO, Ralph Norris, announced a further round of changes within the bank that would see Vivienne Dye go to work for a new boss — Angus Patterson. He was a man in his early 30s on the rise within the bank and was well disposed toward Vivian Dye's desire to move out of marketing and into a

business analyst role when he took over running her team. The pair became close but not intimate.

Angus Patterson, while not backward in admonishing Dye for intemperate emails to colleagues, nevertheless seemed to enjoy Dye's company in and out of the office. She sent him a suggestive cartoon of which depicted the hand of God emerging from a cloud offering a large penis to a man without one. The caption said: *"I didn't make you quite as intelligent as the woman so here's a little something that will do your thinking for you!"* The judge saw the cartoon as a more eloquent statement of Vivienne Dye's brand of humor and approach to office relationships than her courtroom protestations about her sensitivity to sleazy and coarse behaviour on the part of others. Similarly, he said Dye's decision to turn up at the bank's 2006 Christmas Party wearing a white G string poking above her tight pants was in keeping with evidence that suggested Dye had a very robust approach to sexually suggestive and explicit themes.

Others in the office believed she flirted with Angus Patterson. Throughout the second half of 2006 the pair often met or communicated socially. They lunched with Vicki Dye, Vivienne's mother. They shopped for after-shave together. Angus Patterson, a car enthusiast, helped her sell a purple Honda S600 sports car. In mid-September Vivienne Dye emailed Patterson suggesting they meet up at the Hugo Boss store. Her email included the words "would love to catch up if you're free for a spot of shopping (for jeans)". There were strings of chatty emails from her to him. One, sent by Vivienne Dye to Angus Patterson in January the next year — 2007 — described him as "very sympathetic" and "such a good mentor". In early May the pair shared a bottle of wine together on a Friday afternoon in Vivienne Dye's apartment.

Justice Buchanan remarked in his judgment: "I am satisfied that the true position was that Mr Patterson was during the whole of this period, as he had always been, Ms Dye's friend, supporter and advisor. He did act honourably, and he acted generously. He deserved much better than the course taken by the present litigation or the earlier accusations against him."

On Justice Buchanan's findings, Angus Patterson's relationship with Vivienne Dye radically altered in mid-November, 2007. By then Vivienne Dye had made allegations inside the bank that the more senior executive, Michael Blomfield, had sexually harassed her. She sought Angus Patterson's help in her campaign against Blomfield. He refused. Patterson told Vivienne Dye he'd been asked by the bank's human resources department "to step back" in his relationship with her until her allegations against Blomfield were resolved.



PHOTO BY ELLA RUBELI
Le Chifley bar in the Sydney CBD.

Angus Patterson told the court hearing, "I remember saying to her, 'I am not sure what else I can do.' And that was the last contact I had with Ms Dye."

Vivienne Dye now turned upon Angus Patterson more savagely than he ever could have imagined. Said Justice Buchanan: "It was after this that Ms Dye commenced to make increasingly serious allegations against Mr Patterson himself. That did not occur until he had declined to assist her against Mr Blomfield."

Vivienne Dye now set down, for the first time, grave allegations of sexual assault against Angus Patterson in documents drafted to support her complaints to the Human Rights and Equal Opportunity Commission. The worst occurred, she now said, when other evidence showed the pair was at their closest — in 2006.

She alleged that in early June 2006, after they'd had dinner, he escorted her to her apartment where they'd taken tea in the library. She gave several versions of the events but the gist was that Angus Patterson had insisted he came up to her apartment. There, he had thrown her onto her bed and digitally penetrated her anus and vagina.

It was all, in Justice Buchanan's view, a pack of lies Vivienne Dye made up.

The judge said: "It may never be possible for the stain on Mr Patterson's reputation caused by the smear constituted by Ms Dye's accusations to be completely removed. However I feel that I should make it as clear as I can that, in my view, based on the evidence in the present proceedings there was no relevant factual foundation for these accusations, and they were, to Ms Dye's certain knowledge, not true. It follows that they were falsely made."

Michael Blomfield rose up from unfavourable beginnings to be running CommSec in his mid 30s and then the new local business banking arm put in place by Norris to speed the bank's performance. Blomfield, eager to make an impression on the new CEO, was a man who, understandably, was sensitive toward how his division was seen in the bank's higher ranks. When, in June 2006, he was promoted, one of those within the bank to send an early congratulatory message was Vivienne

Dye. They had met by chance soon after she joined the bank. From then, according to Justice Buchanan, Vivienne Dye initiated contacts with Blomfield. She would later portray most as initiated by Blomfield — a scenario the judge rejected.

Upon his promotion under Ralph Norris in March 2006, Michael Blomfield's colleagues organised drinks for him at Le Chifley bar in the Sydney CBD. Vivienne Dye was invited but not by Blomfield. "How delightful," she replied. "Thanks for the invite. I will be there."

What happened at Le Chifley bar that night of June 15, 2006, when 30 of Blomfield's bank colleagues gathered, would become a matter of huge contention. Vivienne Dye later claimed that Blomfield monopolised her attention, flashed a tattoo on his backside at her, dirty danced with other women, and that another female work colleague had grasped him in the regions of the testicles. The judge rejected all of Dye's claims about Blomfield's behaviour, saying she made them falsely and that they did not happen. She even claimed that she'd become so concerned about Blomfield's behaviour toward her that she had phoned her mother. Telephone records did not support her claim.

Following days of bruising cross-examination of Vivienne Dye, News Ltd abruptly withdrew its defence that the Telegraph stories were true and settled out of court with Blomfield for an undisclosed sum.

In fact some of the bankers who were at Le Chifley gave evidence that it was Vivienne Dye who was chasing Michael Blomfield that night. One female banker warned Blomfield at the bar that Dye was "trouble". Others said she followed him around the bar and positioned herself next to him at every opportunity. At the end of the night, while Michael Blomfield walked Vivienne Dye to her apartment, he made clear to her that there would be no relationship between them, despite, in the judge's words, a desire Dye had made clear to Blomfield on the night.

Said the judge: "The fact of the matter is that Ms Dye was highly desirous of getting closer to Mr Blomfield, of working for him and, I am satisfied, of establishing a close personal (probably intimate) relationship with him."

About three weeks after the events at Le Chifley, Dye and Blomfield crossed paths on a Saturday morning in the city. Blomfield, who had been at a funeral, walked straight past Dye and her mother before realizing who it was. He tapped out a text message to Dye which said "Didn't recognize you in your civvies." When Dye replied, "Wish I'd seen you in yours," Blomfield told the court he made a mental note to again speak to Vivienne Dye to dispel any idea that she could flirt with him.

Michael Blomfield, according to his evidence, decided he would again counsel Dye about her behaviour toward him in a social rather than a work setting. The

following Tuesday he asked Dye and other work colleagues to drinks at the Westin Hotel. As at Le Chifley, what was to unfold at the Westin would again become a matter of great contention.

Vivienne Dye would later claim that Blomfield rubbed his leg against her and put his leg between her legs. Again, the judge rejected her allegations as false. During the bank's own investigation of this incident, a female colleague of Blomfield's said she told Blomfield to "shut it down" as Dye was "coming on" to him. One point of agreement did emerge between Dye and Blomfield as to what happened that night. It would, in the words of the judge, create a major difficulty for Vivienne Dye in the whole of her court action against the bank.

Sometime in the evening Dye asked Blomfield directly: "Do you have the hots for me?" Blomfield replied: "No, I don't. I can't believe you asked me that question. Why, do you have the hots for me?" When Dye said she did, Blomfield told her that they'd need to talk about it. Dye suggested he walk her home, Blomfield agreed. During the walk, Blomfield told the court, he told Dye he was married, was a Catholic and had children. There was no possibility of a relationship with Dye. She wanted to keep talking so late that night they went to the small Observatory Hill Park above The Rocks. There, Dye told Blomfield that if he left his wife, she would dedicate her life to making him the most powerful man in the world. Blomfield thought she was serious, and he was worried.

If Blomfield's decision to walk Dye home a second time from a bar seems odd or misguided, that is also how it appears to have been viewed by the an internal investigator appointed earlier by the bank to inquire into some of Dye's allegations. The investigator wrote in his report after interviewing Blomfield about his post-drinking walks with Dye to her apartment: "Michael is aware that this action put his reputation at risk, and he has made clear that he would not choose the same option again."

After the late-night Observatory Hill conversation with Blomfield, the judge said, Vivienne Dye started to go into decline. She may have started having suicidal thoughts. Her family noticed that she was anxious and appeared depressed. But by some accounts Michael Blomfield became an object of revenge for her.

Angus Patterson told the court that some months later — in October 2007 — he received a phone call from Vivienne Dye to tell him she was taking out a sexual harassment action against Michael Blomfield. Her tone was venomous. She told Patterson: "I am going to get that cunt and I am going to fucking destroy him and his family." By then Vivienne Dye was on sick leave from the bank. She would not return. The bank was looking to make tens of millions in cuts to costs and her job as

a business analyst was one the bank decided it could do without.

By year's end she was gone. But as the bank came to learn, it was far from the last it would hear from her.

Justice Buchanan's findings have cleared Angus Patterson and Michael Blomfield of any wrong-doing. Both have had to recover their careers elsewhere. Angus Patterson has stayed in Australia and joined another bank.

Michael Blomfield moved to Asia and is said by the judge to be understandably bitter about his experience. Vivienne Dye is not finished with either man or the bank.

She intends to appeal Justice Buchanan's findings.

4 COMMENTS ON THIS STORY

by Michael

What a horrible case. I remember when this story first broke but hadn't heard about it since. I never thought I would feel sorry for executive level bankers but how sad to have your life affected thanks to baseless accusations. Also impressed with the professionalism of the CBA's human resources team who seemed to investigate the case thoroughly and support the defendants.

May 17, 2012 @ 4:58pm

by Ashleigh

Is she crazy ...

December 31, 2012 @ 8:22pm

by Bush bunny

Ashleigh, I think you are on the right track. It is a sad case particularly for the two executives involved. There may be mental health issues involved that have not been resolved or accepted by the family who stood by her. It should never have gone this far.

April 6, 2013 @ 2:30pm

by Beaman

A great article Bernard. Well done.

But the whole shenanigans makes me very angry. She finds lawyers to get her this far, when young apprentices bullied and harassed by their moron bossess get 4000.00 - do a search of some of the discrimination tribunal decisions.

And now this tomfoolery is on appeal.

Dare I say it -I feel sorry for the bank. Hopefully they dont pay her and her lawyers out. Some cases need to be defended till the end.

May 9, 2013 @ 3:19pm

<http://www.theglobalmail.org/feature/sex-lies-and-banking/163/>

'Fantasist' unable to pay \$6m legal costs, court told

Louise Hall, Court Reporter, May 2, 2012

The allegations against them were false. They should not have been made. They should not have been pursued

A former Commonwealth Bank business analyst ordered to pay almost \$6 million in legal fees after losing a sexual harassment suit against her former employer has only a mobile phone and a computer to her name, a court has heard.



Vivienne Dye ... unable to pay the \$6m. Photo: Nicolas Walker

Editor's update: The two men named in this suit, Michael Blomfield and Angus Patterson, were exonerated in this case, with the judge saying allegations against them "were completely fabricated".

Vivienne Louise Dye sued the bank and its online broking arm, CommSec, for sexual harassment, bullying and discrimination in the Federal Court, claiming that two senior employees sexually harassed her.

In a scathing judgment in March, Justice Robert Buchanan found against Ms Dye, describing her as a fantasist and liar who had a **"venomous desire for revenge"**. She was ordered to pay the bank's \$5.85 million legal costs on an indemnity basis, meaning the bank can recover all its costs, rather than the two-thirds usually awarded.

Ms Dye has launched an appeal based in part on Justice Buchanan's conduct during the 94-day trial. CBA has asked the Federal Court in Sydney to issue a security for costs order before the appeal begins, arguing Ms Dye is unlikely to be able to pay the bank's legal fees if she loses.

In a directions hearing this morning, Ms Dye's barrister, Peter King, said his client's only assets were a mobile phone and personal computer.

Mr King admitted that Ms Dye would "probably" be unable to pay the bank's legal fees if the appeal was dismissed.

"How is there any doubt about it?" Justice Arthur Emmett said. "They couldn't be worth more than \$2000 at the most".

Mr King replied: "Lots of things could happen between now and then."

Justice Emmett said Ms Dye "could win the lottery" but what mattered was her current financial situation.

Mr King said if the court granted the security for costs application it was unlikely Ms Dye could go ahead with the appeal.

The matter was stood over until June 13.

In the primary judgment, Justice Buchanan found the two men Ms Dye accused, Michael Blomfield and Angus Patterson, were "blameless" and the allegations were "completely fabricated".

In fact, it was Ms Dye who made advances towards Mr Blomfield, hoping for a "close and intimate

relationship" with him, Justice Buchanan found.

When Mr Blomfield, then the executive general manager in charge of local business banking, rebuffed her, Ms Dye "turned from seeking his attention to a desire to be revenged on him".

Mr Patterson testified that, in 2007, Ms Dye told him she was taking out a sexual harassment case against Mr Blomfield, saying: "I'm going to get that c---, and I'm going to f---ing destroy him and his family."

When Mr Patterson, who was her friend and confidant, declined to assist her against Mr Blomfield, Ms Dye turned on him, claiming Mr Patterson violently sexually assaulted her.

Justice Buchanan said the "sad and distressing saga" had involved 94 days of oral hearings, 600 documentary exhibits and nearly 8000 pages of transcript, and, despite his judgment vindicating the men, the "stain" on their reputation would be impossible to remove.

"The allegations against them were false. They should not have been made. They should not have been pursued," he said.

Both Mr Patterson and Mr Blomfield have since left Commonwealth Bank and Justice Buchanan congratulated the bank for fighting to clear their names, rather than taking the cheaper option to settle the case.

<http://www.smh.com.au/nsw/fantassist-unable-to-pay-6m-legalcostscourtold201205021xyfo.html#ixzz2UMkvXwVx>

Explosive argument behind Trad's defamation reasoning

PAUL SHEEHAN, June 14, 2010 Opinion, Comments [52](#)

The man carrying a legal bomb into courtroom 11A in the NSW Supreme Court building on Friday morning did not look menacing and is not menacing under normal circumstances. But these were not normal circumstances. This was cultural war. The legal bomb was

brought to court by the once leonine figure of Clive Evatt, a veteran defamation lawyer who now walks with the aid of a cane, on which his severely bent frame leans heavily.

As Evatt took his place at the plaintiff's bench, the man on whose

instructions he was acting, Keyzar Trad - a thickset, bearded man wearing a grey suit, blue shirt and tie - sat alone in the back row of the public gallery.

Trad is no stranger to litigation. Over many years he has expended untold hours making formal

complaints to the NSW Supreme Court, the Administrative Decisions Tribunal, the Anti-Discrimination Board, the Human Rights Commission, the Press Council, other review bodies and, above all, the media, where he has operated as a quote-machine representing the Muslim community in Australia. He was in court on Friday because of a disaster of his own making. After delivering a hostile tirade against Sydney's top-rated radio station, 2GB, during a "peace" rally in 2005, Trad was himself criticised the next day by a 2GB presenter, Jason Morrison, though not in the same language Trad had used at the rally where he claimed to speak on behalf of Muslims in Australia. Trad sued for defamation. He was the star witness for his own case. The senior judge, Justice Peter McClellan, the chief judge of common law in the NSW Supreme Court, found against Trad, and found him to be a witness of little credibility, a man of extreme views and, in summary, "a disgraceful individual".

Such was Trad's performance under oath that on Friday the counsel for the defence, Richard McHugh, SC, delivered this devastating portrayal of his credibility under oath: "[Trad] attempted to evade responsibility for his statements by claiming he was misquoted, by claiming he was taken out of context, by claiming he had changed his mind, or by claiming he did not even know what he had said or written at the instant he said or wrote it. He was entirely disbelieved.

"[His] evidence that he did not know who was the author of *Mein Kampf* - and his feigned attempts at a thought process to recollect the author's name - were a low point in this trial. The transcript in this case can supply only a colourless picture of the evidence at trial."

Even before this appeal, Trad was facing legal costs exceeding \$250,000. He decided to up his risk. On Friday morning, I counted 16 lawyers in the court. At this level, justice is neither fast nor cheap.

His appeal was based on several major grounds but the most prominent and contentious, made repeatedly in oral and written submissions, was that Justice McClellan had erred fundamentally by taking Trad's provocative comments over the years out of the context of the Muslim community. To quote Evatt: "His honour did not take into account that Australia is a multicultural society and the viewpoints of ethnic groups are recognised by the Australian community even though not all members of the community agree with them."

And this: "His honour did not refer to or even consider the likelihood the average citizen would recognise that the views expressed by [Trad] were similar to beliefs shared by Muslims throughout the world including Muslims in Australia." And this: "His honour appears to have given no weight to the fact that the speech was made to Muslims in a mosque and not in an address to the general community."

And this: "His honour overlooked the fact Sheikh Hilaly's speech [defended by Trad] was not made to members of the Australian community but to Muslims and others who attended the Sidon Mosque in Lebanon."

This is an explosive argument. It means this aspect of the appeal may rest on the argument that the Muslim community operates under different standards than the rest of society and cannot be judged using the same standards. Further, these standards, even if judged to be extreme by the rest of society, should be respected.

It is fair to say the bench became restive on Friday. There were plenty of tart exchanges from the three judges, justices Murray Tobias, Ruth McColl and John Basten. But this was nothing compared with the fire and brimstone from the defence.

This appeal was an attempt, McHugh argued, to turn the case into one about "freedom of speech and freedom of religion, and that the appellant has been unfairly branded as a racist, homophobic, terrorist-supporting, woman-hating bigot when all he was doing was expressing views consistent with his Islamic faith and his role as a prominent Australian Lebanese community spokesman ... The question here is whether the deliberate peddling of grossly sexist, homophobic, anti-Semitic filth is not dangerous and disgraceful and an incitement to violence and racist attitudes in Australia in 2010. The most extraordinary claim is that his extreme views are [a] 'Muslim view'. This ought not to be accepted."

If Trad does prevail in his appeal, this case, Trad v Harbour Radio, will be corrosive to the idea of mainstream Muslim moderation, and to the ideal that most Muslims are naturally part of a cohesive element in the weave of Australia's culture rather than functioning under de facto Islamic law while giving mere lip service to the Australian legal system and the values it upholds.

<http://www.smh.com.au/opinion/societyandculture/explosiveargumentbehindtradsdefamationreasoning20100613-y5un.html>

High Court decision on the defence of qualified privilege: Harbour Radio Pty Ltd v Trad [2012] HCA 44

Posted on October 9, 2012 by [Anne Wardell](#)

In the High Court of Australia, Harbour Radio Pty Limited (2GB) successfully established the defence of qualified privilege at common law with respect to a number of imputations defamatory of a man who spoke at a "peace rally" the week after the 2005 "Cronulla Riots".

Mr Trad attended the peace rally in Hyde Park and whilst a speaker at the rally, placed partial blame for the Cronulla Riots on 2GB. Mr Trad accused "those racist rednecks in tabloid journalism" of mustering "5000 people filled with hatred" for the purpose of the riots.

The next day 2GB made a broadcast, purportedly responding to Mr Trad's comments at the peace rally. The 2GB host Mr Morrison described Mr Trad as a "disgraceful individual" and a "well known apologist for the Islamic community spewing hatred and bile at anyone who did not agree with [his] philosophies and principles including this radio station".

Mr Trad commenced proceedings alleging that the 11 minute broadcast conveyed imputations

which were defamatory. A jury agreed and found eight imputations were conveyed in the broadcast that were defamatory of Mr Trad.

2GB defended their broadcast relying on substantial and contextual truth of the statements made, on the defence of fair comment on a matter of public interest and that each imputation was published on occasion of qualified privilege at common law.

Mr Trad was successful before the primary judge in the Supreme Court of New South Wales, but that decision was reversed in part by the Court of Appeal.

In the High Court proceedings 2GB sought restoration of the holding of the primary judge in its favour on qualified privilege as to all the imputations.

The High Court analysed whether or not the defence of qualified privilege was available and if so how the defence then applied with respect to each of the conveyed imputations.

By majority, the High Court held that qualified privilege applied to a response to an attack where it was

commensurate with the attack and when it was made bona fide for the purpose of vindicating one's reputation. The defence was applicable to six of the eight imputations relied on by Mr Trad.

Mr Trad unsuccessfully sought leave to cross-appeal contending that 2GB's malice precluded it from relying on the defence of qualified privilege.

The High Court remitted a number of imputations to the Court of Appeal for consideration of the substantial truth and contextual truth defence.

The High Court decision will appear in the next update of the *Australian Torts Reporter* at ¶82-116: [Harbour Radio Pty Limited v Keysar Trad](#) [2012] HCA 44.

This story was written by Leisa Hayward, CCH Torts Editor and appeared in the [Australian Tort, Personal Injury, Health & Medical Law Tracker](#).

<http://www.lawchat.com.au/index.php/high-court-decision-on-the-defence-of-qualified-privilege-harbour-radio-pty-ltd-v-trad-2012-hca-44/>

From Shane Dowling's: [Kangaroo Court of Australia](#)

Federal Court of Australia judges come under attack from Fairfax Media

It is rare for the mainstream media to attack judges decisions let alone raise the judges backgrounds as reasoning for a perceived wrong judgement. But it happened on Monday (20/5/13) when Paul Sheehan of Fairfax Media unloaded on the judgement of three Federal Court judges in a matter that is now under appeal in the High Court. It relates to a Commonwealth public servant sustaining injuries during the course of sex and then being awarded workers compensation. While it might not seem like much to some, there is the criminal offence of "scandalising the court" that journalists need to skirt around to make sure they do not end up on criminal charges. ["Scandalising the court refers to conduct which denigrates judges or the court so as to undermine public confidence in the administration of justice."](#)

Sheehan has not overstepped the mark and broken the law. But he has given it a big nudge for a mainstream journalist.

Background

"The Federal Court of Australia has held that an employer was liable for injuries sustained by an employee while having sexual intercourse on a work-related overnight stay."

"In the case of PVYW v Comcare, an employee of a government department suffered an injury whilst in a motel in country New South Wales. The employee had been required by

her employer to travel to the country town to conduct budget reviews and provide training."

"The employee stayed at a motel that was booked by her employer. During her overnight stay, the employee met with an acquaintance. Whilst the pair were having sexual intercourse, a light fitting was pulled from the bed mount and caused injuries to the employee's nose and mouth. The employee required hospital treatment and subsequently lodged a worker's compensation claim." ([Click here to read more](#))

On the face of it the first thought is the judgement is a joke but the case I believe is a complex one. Should she be covered if she was just sleeping in the bed? I think the average person would think that it should be covered for compensation because the only reason she was in the hotel bed was because her employer wanted her in that town for work. But if she was covered for compensation if she is just sleeping why should she not be covered while having sex?

Then the question has to be asked exactly how the light fitting came to fall on her. If she or her partner pulled the light fittings off then I think she should not be covered. The arguments on both sides are endless and while initially I totally agreed with Paul Sheehan that the judgement is

shocker, after further consideration I do not think it is easily clear-cut either way.

The three judges who handed down the judgement are Chief Justice Patrick Keane (now a High Court Judge) who I have [written plenty about on this site](#), Justice Robert Buchanan and Justice Mordecai Bromberg. [Comcare v PVYW \[2012\] FCAFC 181 \(13 December 2012\)](#) I have had dealings with Buchanan and seen his handiwork firsthand and it isn't pretty.

Paul Sheehan said in his article:

"It is unedifying to see senior judges disadvantaged by the vigorous sexual activity of a young woman, but this is a self-inflicted wound a full bench of the Federal Court of Australia has brought on itself."

"The Commonwealth public servant, a woman to whom we shall give the nom de guerre Dolores Tremble, is going to cost you, me and the rest of the taxpayers more than \$1 million before she is done, all while being shrouded, coddled, protected and compensated by judges who have detached themselves from community standards and common sense."

"This case is part of a creeping paternalism in the courts, which are proving themselves, overall, biased against blameless employers."

"The judgment in Comcare v PVYW is a case study. It does not surprise me that Justice Keane has since been elevated to the High Court by Julia Gillard. It surprises me even less that Justice Bromberg is a former endorsed Labor candidate for Federal Parliament. He is also a former president of the union-funded Australian Institute of Employment Rights." ([Click here to read the full article](#))

Sheehan also has a swipe at Justice Buchanan given his previous judgement in the Vivienne Dye / Commonwealth Bank sexual harassment case. ([Click here to read more](#))

But the real danger part for Sheehan in overstepping the boundaries of scandalising the court is what he says about Justice Bromberg. He clearly implies that it is his political and union ties and background that have influenced his decision. I have written similar in numerous posts but it is almost unheard of in the mainstream media.

An example of someone who did overstep the mark and scandalised the court is:

Gallagher v Durack (1983)

"Gallagher was a senior official with the Labourer's Association and Keeley J found him in contempt of court and sentenced him to 28 days in prison. After a successful appeal from an earlier conviction Norm Gallagher, then federal secretary of the Australian building construction Employees' and Builders', Labours' Federation made the following comment outside the Federation quarter: "I'm very happy to the rank and file of the union who has shown such fine support for the officials of the union and I believe that by their actions in demonstrating in walking off jobs..... I believe that that has been the main reason for the court changing its mind."

"The Federal court held that the statement was a contempt of court and sentenced Norm Gallagher to 3 months jail." ([Click here to read more](#))

What Gallagher said is obviously a lot worse than what Paul Sheehan said but Sheehan was heading in that direction although did not overstep the mark.

This site questions judge's backgrounds and criminal conduct all the time as it is the key focus of this site. I have never been charged with scandalising the court because what I write is true.

I fully applaud Paul Sheehan and there should be more of it, especially when the decision is clearly wrong although the case

he has chosen is a tough one and might not be a wrong judgement. The media need to ask more often who are these judges that handed down the judgement and what are their backgrounds and history which might tell why they handed down the dodgy judgement.

With more journalists like Paul Sheehan asking the right questions change in the judiciary will eventually happen as the pressure will become too much for the federal and state governments. Sites like this one put pressure on the mainstream media to start asking the right questions. I see the judiciary as the hub of the wheel of corruption and the rest such as political, government and police corruption flow off it. If judicial corruption is stopped in a substantial way I believe it will greatly reduce corruption in other parts of society.

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<http://kangarocourtsofaustralia.com/2013/05/26/federal-court-of-australia-judges-come-under-attack-from-fairfax-media/>

Love Letters from the Bar Table



Australian Prime Minister Kevin Rudd (on right)

Who lied and who knew? Kevin!!!



Sydney - Federal Court of Australia

**A book that lifts the lid
on corruption in the
Australian
Judicial System.**

By: Shane Dowling
A "Crimes of the Law" book.

No chance of a tropical storm here then! Incredible pictures show luxury resort complete with sandy beaches, palm trees and clear blue water... inside enormous German hangar surrounded by snow

By [Anthony Bond](#), PUBLISHED: 22:42 GMT, 19 February 2013 | UPDATED: 12:43 GMT, 20 February 2013
With sandy beaches, clear blue water and palm trees, this looks like a spectacular and luxurious sun-kissed resort. Holidaymakers can be seen relaxing in swimming shorts and bikinis. Even the occasional flamingo can be spotted. But not everything is as it seems at Tropical Islands.



Luxury: With sandy beaches, clear blue water and palm trees, this looks like a spectacular sun-kissed resort



Fun: Despite appearances, not everything is as it seems at Tropical Islands



Odd: The 'resort' is actually located on the site of a former Soviet military air base in Krausnick, Germany. The 'resort' is actually located on the site of a former Soviet military air base in Krausnick, Germany. Tropical Islands is inside a hangar built originally to house airships designed to haul long-distance cargo. And despite it looking like temperatures are through the roof - outside the giant hangar it is actually snowing. As these incredible pictures show, the resort contains a beach, a lagoon, water slide and adventure park. Guests can enjoy numerous restaurants, evening shows and can also relax in a sauna.



Indoor: Tropical Islands is located inside this giant hangar - with the actual weather a far cry from the conditions inside



Cold: Snow surrounds the giant hangar which houses Tropical Islands



Relaxing: Tropical Islands is inside a hangar built originally to house airships designed to haul long-distance cargo. Visitors can be seen swimming in the lagoon at the resort



Holiday: The resort contains a beach, lagoon, water slide and adventure park. Guests can also enjoy numerous restaurants, evening shows and saunas

A range of options are available for stays, from the basic to luxury. Accommodation includes quaint looking cottages and even beach tents. As well as flamingos, free-flying canaries also fly around the site. It is believed that the hall which Tropical Islands is located in is the biggest free-standing hall in the world.



Popular: Tropical Islands attracts up to 6,000 visitors a day and in its first year attracted 975,000 visitors



Accommodation: A range of options are available for stays, from the basic to luxury. Accommodation includes cottages, pictured, and even beach tents



Simple: Guests can also stay in one of the beach tents. It has a maximum capacity of 6,000 visitors a day and in its first year attracted 975,000 visitors. As well as the thousands of visitors each day, approximately 500 people work at the site. Tropical Islands opened to members of the public in 2004.

Incredibly, the hangar, which is 360 metres long, 210 metres wide and 107 metres high, is tall enough to enclose the Statue of Liberty.

VIDEO: A look inside Europe's largest tropical holiday world situated in a huge hangar in Germany Tropical Islands
<http://www.dailymail.co.uk/news/article-2281349/Incredible-pictures-luxury-Tropical-Islands-resort-inside-enormous-German-hangar-surrounded-SNOW.html#ixzz2YAgNtXso>

Europe's Record Youth Unemployment: The Scariest Graph in the World Just Got Scarier

The new number that should terrify Europe is 62.5 percent.

Derek Thompson May 31 2013, 9:45 AM ET

Europe's job market is a historic disaster.

The EU unemployment rate set a new all-time high of 12.2 percent, according to today's estimates. But it's the youth unemployment crisis that's truly terrifying. In Spain, unemployment surged past 56 percent, and Greece now leads the rich world with an astonishing 62.5 percent of its youth workforce out of a job (graph via [James Plunket](#)).

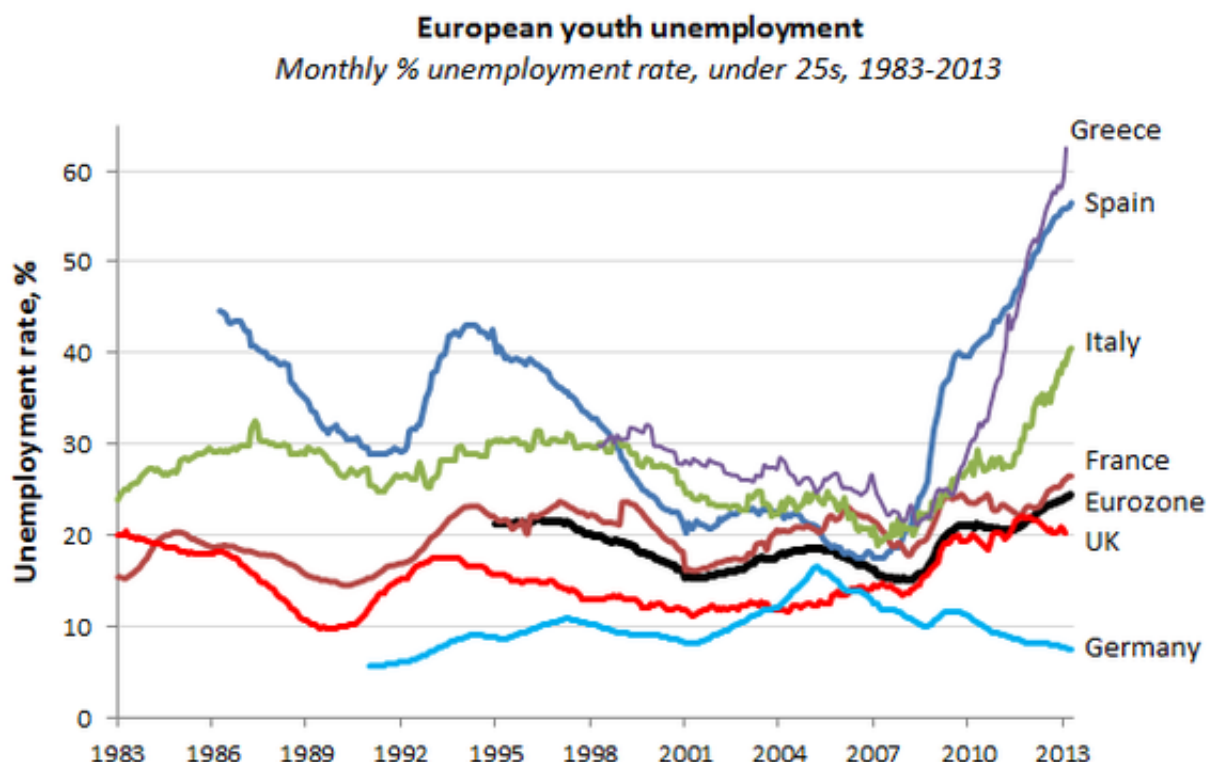
My God, look at Greece's trajectory. That thing isn't slowing down. Since April 2012, Greek youth unemployment has grown by [about one percentage point a month](#). At that rate, it would pass 70 percent in early 2013.

It is suddenly not insane to imagine a youth unemployment rate of 70 percent in the developed world. And that *is* insane.

It should be noted that some people consider youth unemployment figures a bit hyperbolic. They prefer measures like "youth unemployment ratio, which takes the share of young people who are looking for work but can't find it and divides it by the entire population. Last year, the EU's youth unemployment ratio was [9.7 percent](#), less than half the youth unemployment rate of 23 percent. But even the ratio fails to account for the millions of young people who have all but given up in their awful economies. There are 26 million young

people in rich countries who are as "NEETS" (Not Employed, or in Education, or Training), according to the OECD.

Youth unemployment is bad for all the [obvious reasons](#), including the big loss to future productivity and earnings. But Europe's youth unemployment is strange, because we've never seen a generation *this educated* also be this unemployed. Nearly 40 percent of Spain's 20-and early-30-somethings are college educated. In Greece, it's 30 percent. Europe's crisis -- clearly worsened by its austerity obsession -- is an absurd waste of the most educated generation in the continent's history.



<http://www.theatlantic.com/business/archive/2013/05/europes-record-youth-unemployment-the-scariest-graph-in-the-world-just-got-scarier/276423/>

...and more of the same....

The AFL's Indigenous Round and the innocent face of racism

By: Amelia Johns, 27 May 2013, 6.26am EST

Friday night's AFL match between Collingwood and Sydney marked the opening of the code's [Indigenous Round](#). Yet the chance for the contribution of Indigenous footballers to the game -- both past and present -- to be recognised and celebrated was marred by a racial taunt from a young supporter at Sydney's Indigenous star Adam Goodes.

The round of games aimed to recognise the contribution of Indigenous people and culture to the broader Australian society. While showcasing the

unique talent and pride in culture of the Indigenous community, it simultaneously noted the struggle against racism that has accompanied the achievements of many Indigenous people in this country.

While the AFL should be proud of the work it has done to stamp out racism in the sport, [the incident](#) where Goodes was called an "ape" by a crowd member has come to be the defining moment of the round. It serves as a reminder that there is still a long way to go to remove racism from Australian society.

What is most shocking about the incident is that it is not a boozed-up, angry supporter being identified by TV cameras as the perpetrator of the abuse. We have become accustomed to seeing this in racist incidents in the public and sporting arena, most recently involving North Melbourne's Sudanese-born player [Majak Daw](#).

This racist slur, however – one which left Goodes visibly hurt and struggling to continue with the game – was made by a 13 year-old girl. As Goodes [later commented](#):

I turned around and when I saw it was a young girl and I thought she was 14, that was my initial thought, I was just like "really?". I just thought how could that happen?

I wrote in a [piece](#) for The Conversation recently that for racism to be challenged, bystanders need to take responsibility and stand up to perpetrators. Be it through direct action or by using social media to publicise incidents, awareness should be raised and abusers "named and shamed".

However, when the abuser is a 13 year-old girl who doesn't understand what it means to call an Indigenous person, or a black person from any cultural background, an "ape", what is the value of this? And what then is an appropriate action for someone who is not filled with hatred but is ignorant of the harm she had caused?

This issue was raised in the response of AFL and club officials. While quick to condemn the racism and provide support to Adam Goodes, they were also concerned about the girl's welfare. Collingwood president Eddie McGuire was [quick to apologise](#) to Goodes on behalf of the club, whilst also showing support for the young Collingwood supporter who he said would receive "counselling services". He later stated: "we won't be abandoning her".

AFL boss Andrew Demetriou [also called](#) for the girl to be supported, claiming that though there was zero tolerance for racism in the AFL:

..what we do have to understand is this is a 13-year-old girl. We have to be very, very sensitive and very, very careful about how this girl gets treated from this point onwards.

This incident highlights the complexity with which racism enters a society and is normalised until the meaning of insidious, racist terms become dispersed, invisible to some who would voice them. The taunts, however, are no less deeply felt by those groups who cannot forget the original meanings of the term, and the personal and community-wide legacy they have left.

In a testament to the quality of Goodes as an ambassador for the sport and his community, he later called for the girl to receive support despite initially pointing out the girl to security guards. This demonstrates the generosity and graciousness of a man who has achieved much, despite having to overcome

the hurt and pain of his early years where he was verbally taunted on the basis of his race and appearance.

In his press conference the next day, Goodes explained that it was now about education for the girl and for society. While this meant for him that he had to make a stand for himself, his family and his community, to tell people "that a simple name, a simple word, can cut so deep", he did not blame the girl and asked for the public to give her support, just like he had received:

I just hope that people give the 13 year-old the same sort of support because she needs it, her family need it, the people around them need it. It's not a witch hunt. I don't want people to go after this young girl.

This is significant, given that social media provides a platform not just for condemning racism, but also for bullying people who have made a public error of judgement.

Perhaps there is something positive to be made out of this untimely reminder of the persistence of racism in Australian society. Rather than these words coming from a deeply entrenched, racist world view, it came from an innocent heart which can learn from the experience.

This is summed up perfectly by Adam Goodes, who called for education instead of naming and shaming "so it doesn't happen again". What a champion.



The racist taunt aimed at Sydney player Adam Goodes from a young fan provides an opportunity for education rather than humiliation. Twitter/Channel 7.
<https://theconversation.com/the-afls-indigenous-round-and-the-innocent-face-of-racism-14659>

AI comment: If basic manners are again taught in schools rather than accepted justifications for rudeness, lack of good manners etc., then this problem will be solved as it was in the past. If we don't get it done like that, then what awaits us is the Soviet Union style of mental enslavement where an ideology stifles our free expression and slowly causes our society to lose its dynamic elements. Note how the USA population has become totally enslaved to legalese, especially since the 9:11 dogma was imposed upon it. Then ask yourself the question: Cui Bono – in whose interest is it to enslave our minds? But that's the problem – don't ask **offensive questions! Rude reply: How can questions be offensive?**
